



Security Council

Distr.: General
18 April 2002
English
Original: Spanish

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 11 April 2002 from the Permanent Mission of Peru to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Peru to the United Nations presents its compliments to the Secretary of the Security Council Committee established pursuant to resolution 1267 (1999) and, in reply to his note of 7 March 2002, has the honour to transmit herewith the report of the Government of Peru on compliance with Security Council resolution 1390 (2002).



Annex to the note verbale dated 11 April 2002 from the Permanent Mission of Peru to the United Nations addressed to the Chairman of the Committee

Report of the Government of Peru on compliance with Security Council resolution 1390 (2002)

Pursuant to Security Council resolution 1390 (2002) on the measures to be imposed by the Member States with respect to all individuals, groups, undertakings and entities associated with Osama Bin Laden referred to in the lists prepared by the Committee established pursuant to resolution 1267 (1999), and taking into account the guidelines established by that Committee, the Government of Peru reports the following:

Introduction

Starting in the early 1980s, Peru was the victim of a serious terrorist phenomenon. The overall result of that scourge was painful, in view of the more than 25,000 deaths that resulted and economic losses amounting to more than \$20 billion. The presence of terrorism in our country gave rise to grave domestic insecurity and entailed, in real terms, greater poverty and economic recession.

A few years ago, in response to this domestic problem, Peru developed a juridical framework with a view to confronting the phenomenon of terrorism and achieving the goal of guaranteeing internal security. It must be pointed out, however, that some excesses were also committed by the security forces. Following the restoration of democracy, those excesses are being investigated by the recently created Truth and Reconciliation Commission and by the Office of the Public Prosecutor.

In order to comply with Security Council resolution 1390 (2002), the Government of Peru has forwarded the texts of Security Council resolutions 1267 (1999) and 1333 (2000) and the lists prepared by the Committee to the competent national authorities for follow-up action on the names contained therein and, where applicable, for all appropriate action pursuant to the national regulations in force on dealing with terrorist acts, as indicated in detail below.

Narrative

- 1. Legislative and administrative measures adopted for freezing the funds and other financial assets or economic resources of individuals, groups, undertakings and entities mentioned in the list referred to in paragraph 2 of Security Council resolution 1390 (2002)**

Decree-Law No. 25475, of 5 May 1992, establishes the penalties for terrorist offences and the procedures for investigation, preliminary hearings and trial and, inter alia, prohibits and suppresses the financing of terrorist acts.

Article 4 of the Decree-Law, referring to "acts of collaboration", provides as follows:

"Anyone who wilfully obtains, collects, gathers or supplies assets or means of any kind or carries out acts of collaboration of any kind facilitating the

commission of offences included in this Decree-Law or the realization of the objectives of a terrorist group is punishable by imprisonment for not less than 20 years."

The Decree-Law also defines the following acts, among others, as acts of collaboration:

"... any kind of aid, mediation or economic action wilfully carried out or provided for the purpose of financing the activities of terrorist groups or elements."

This article applies only to persons who do not belong to the terrorist movement, it being understood that they are considered as belonging to it when they have provided their collaboration repeatedly, in which case the penalty is more severe.

In addition, by Supreme Decree No. 084-2001-RE, published on 6 November 2001, the Government of Peru ratified the International Convention for the Suppression of the Financing of Terrorism.

2. Relevant information concerning funds frozen to date

Up to the present, no accounts or financial assets belonging to the persons or entities mentioned in the relevant lists are known to exist. These lists have been transmitted to the Superintendence of Banking and Insurance and to the Ministry of Economy and Finance for any appropriate preventive action.

3. Measures adopted to prevent the entry into or the transit through Peruvian territory of individuals referred to in the lists mentioned in resolution 1390 (2002)

At border crossing points and places where arrivals in and departures from Peru take place (ports and airports) there are offices of the Directorate of Migration and Naturalization that exercise control over nationals and aliens who enter or leave the country. The related information is coordinated with the subunits of the Judicial Police Directorate of the National Police of Peru, a specialized directorate responsible for, inter alia, the execution of judicial warrants. The object is to apprehend persons who are sought for any reason in order that they may be placed at the disposal of the judicial authorities. In addition, a register is kept of persons wanted by the International Criminal Police Organization (Interpol).

The situation of aliens during their stay in Peru is monitored by another specialized directorate of the National Police of Peru, the Directorate of State Security, through the Aliens Division. In the event that the irregular presence of any alien is detected, steps are taken to make him or her available for expulsion in accordance with the Aliens Act (Legislative Decree No. 703 of 14 November 1991).

These administrative operational mechanisms constitute the normal control procedures. Where the Counter-Terrorism Directorate has a special interest in or suspicions regarding any alien, it coordinates with the competent specialized units and/or directorates and special joint operations are set up to take the necessary action.

The lists referred to above have been transmitted to the Directorate of Migration and Naturalization for appropriate action.

4. **All measures adopted to prevent the direct or indirect supply, sale or transfer, to such individuals or entities, of arms and related materiel of all types as well as technical advice, assistance or training related to military activities**

Article 4 of Decree-Law No. 25475 defines acts of collaboration as follows:

"Art. 4. Anyone who wilfully obtains, collects, gathers or supplies assets or means of any kind or carries out acts of collaboration of any kind facilitating the commission of offences included in this Decree-Law or the realization of the objectives of a terrorist group is punishable by imprisonment for not less than 20 years. The following constitute acts of collaboration:

"...

"(d) The organization of courses or the conduct of centres for the indoctrination and instruction of terrorist groups, operating under any cover;

"(e) The manufacture, acquisition, possession, theft, storage or supply of arms, ammunition or explosive, asphyxiating, inflammable, toxic or any other type of substances or objects that might cause death or injury. The possession or concealment of arms, ammunition or explosives belonging to the armed forces or the National Police of Peru constitutes an aggravating circumstance;

"(f) Any kind of aid, mediation or economic action wilfully carried out or provided for the purpose of financing the activities of terrorist groups or elements."

Moreover, in Peruvian legislation there exist offences such as the illegal possession of arms, provided for in article 279 of the Penal Code, which establishes penalties for the illegal possession and manufacture of arms, ammunition and explosives; inflammable, asphyxiating or toxic substances; or substances or materials intended for their preparation. The penalty ranges from 6 to 15 years' imprisonment.

In addition, Legislative Decree No. 846, which was promulgated on 20 September 1996, prohibits the free importation and marketing of ammonium nitrate as well as the components which enter into its preparation, in any of their forms or presentations and under any name. The undeclared or illegal possession of ammonium nitrate as well as the components which enter into the preparation of that product and the use thereof for acts of terrorism are liable to criminal charges and punishable, depending on the gravity of the offence, in accordance with Decree-Law No. 25475. The National Police, acting in conjunction with the representative of the Office of the Public Prosecutor, is required to take preventive measures to forestall or report the concealment of ammonium nitrate.

Similarly, Decree-Law No. 25707 (regulated by Legislative Decree 846 of 1996) — declaring the use of explosives for civilian use and other related materials a matter of urgent national concern — was promulgated on 31 August 1992 as part of the country's antisubversive strategy. Its purpose was to increase control measures in the manufacture, marketing, transport, warehousing, use and destruction of explosive devices for civilian use and the inputs that may enter into their manufacture.

Lima, 3 April 2002